

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

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THIS DOCUMENT RELATES TO  
01-CV-12257-PBS AND 01-CV-339

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)  
) MDL No. 1456  
)

) CIVIL ACTION: 01-CV-12257-PBS  
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) Judge Patti B. Saris  
)

) Chief Magistrate Judge Marianne B. Bowler  
)

**PLAINTIFFS' MOTION TO COMPEL BMS TO ANSWER INTERROGATORIES**

Pursuant to Rules 33(b)(5) and 37, Fed. R. Civ. P. plaintiffs respectfully move this Court for an order compelling the BMS Group to provide proper answers to interrogatories.

In support of this motion, plaintiffs submit the attached Memorandum in Support of Motion to Compel BMS to Answer Interrogatories, the Declaration of Steve W. Berman and the exhibits to the Declaration of Steve W. Berman.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(a)(2), the undersigned hereby certify that counsel for plaintiffs contacted counsel for defendants regarding the issues addressed in this motion, but were unable to resolve or narrow the issues.

DATED: July 15, 2004

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**CERTIFICATE OF SERVICE**

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' MOTION TO COMPEL BMS TO ANSWER INTERROGATORIES** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on July 15, 2004, a copy to Verilaw Technologies for Posting and notification to all parties

By           /s/ Steve W. Berman            
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